

REMARKS/ARGUMENTS

In the Office Action mailed June 30, 2008, claims 1-11 were rejected. In response, Applicant hereby requests reconsideration of the application in view of the below-provided remarks. No claims are amended, added, or canceled.

Claim Rejections under 35 U.S.C. 103

Claims 1-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wood, Jr. (U.S. Pat. No. 6,466,771, hereinafter Wood) in view of MacLellan et al. (U.S. Pat. No. 5,940,006, hereinafter MacLellan). However, Applicant respectfully submits that these claims are patentable over Wood and MacLellan for the reasons provided below.

Independent Claim 1

Claim 1 recites “detectors for detecting the presence of the received carrier signal, these detectors transmitting a carrier signal present signal in the event that the carrier signal is present, and otherwise transmitting a carrier signal not-present signal as a consequence of a missing carrier signal” (emphasis added).

In contrast, the combination of Wood and MacLellan does not teach transmitting a carrier signal not-present signal as a consequence of a missing carrier signal. In particular, the Office Action acknowledges that Wood does not teach the indicated limitation. Hence, the Office Action relies on MacLellan as purportedly teaching the indicated limitation. However, MacLellan also fails to teach transmitting a carrier signal not-present signal as a consequence of a missing carrier signal.

Prior to addressing the lack of teaching of MacLellan, the Office Action’s analysis should be addressed because the Office Action’s assertions about the teachings of MacLellan are inconsistent with the actual teachings of MacLellan. In an attempt to support the asserted rejection, the Office Action states that MacLellan purportedly teaches two modes of operation, including a tag-talk-first (TTF) mode and a reader-talk-first (RTF) mode. However, this assertion is not supported by the actual teachings of MacLellan because MacLellan does not appear to describe a TTF mode. Although

MacLellan does reference two modes, referred to as Mode 1 and Mode 2, neither of these modes is a TTF mode. Rather, Mode 1 and Mode 2 of MacLellan are merely modes which the RFID interrogator 101 instructs the tags 102 to use when responding to the downlink signals from the interrogator. In other words, Mode 1 and Mode 2 merely refer to different types of response modes that the tags use to respond to the interrogator during an RTF mode of communication, according to the terminology used in the Office Action. In contrast, MacLellan does not describe any modes which would be TTF modes in which the tags would initiate communication with the interrogator. Thus, the Office Action's assertions as to the teachings of MacLellan are inconsistent with the actual teachings of MacLellan and, hence, do not support the rejection of claim 1.

Additionally, as a separate basis for patentability, MacLellan does not teach detectors to transmit a carrier signal not-present signal (NPS) as a consequence of a missing carrier signal, as recited in the claim. In fact, MacLellan does not appear to teach any type of transmissions (i.e., uplink communications) which are initiated by the tags. MacLellan merely teaches the tags responding to downlink communications from the interrogator. In particular, MacLellan teaches that the tags send uplink signals 105 to the interrogator in response to a downlink signal 103 from the interrogator. MacLellan, col. 3, lines 65-67. Additionally, MacLellan teaches that the tags receive a CW signal 104 from the RFID interrogator and then, in response, modulate and reflect this CW signal back to the interrogator. MacLellan, col. 4, lines 3-7. Both of these descriptions of signals from the tags to the interrogator are in response to prior signals from the interrogator to the tags. Thus, MacLellan does not describe any embodiments in which the tags initiate transmissions to the interrogator in the absence of an original signal from the interrogator.

Moreover, even if the tags were to implement some type of TTF mode or initiate signal transmissions that were not in response to signals from the interrogator, MacLellan nevertheless does not specifically teach transmitting a carrier signal NPS. Furthermore, MacLellan does not teach transmitting a carrier signal NPS as a consequence of a missing carrier signal. In fact, MacLellan appears to be silent as to any possible operation of the tags in the absence of a signal from the interrogator and, more specifically, as a consequence of a missing carrier signal. Therefore, MacLellan does not teach

transmitting a carrier signal NPS as a consequence of a missing carrier signal, as recited in the claim.

Claim 1 also recites “command signal recognition means for recognizing a command signal that can be transmitted with the aid of the carrier signal and for generating and transmitting, within the circuit of the communication partner appliance, a command-end signal that represents the end of the transmitted command signal” (emphasis added).

In contrast, as another separate basis for patentability, the combination of Wood and MacLellan does not teach generating and transmitting a command-end signal within the circuit of a communication partner appliance. In fact, the Office Action recognizes that Wood does not teach the indicated limitation. The Office Action also fails to provide any analysis to assert that MacLellan might teach the indicated limitation. In fact, the only analysis provided in the Office Action that would possibly pertain to the indicated limitation is the discussion of TTF and RTF modes, which are addressed above. Since the TTF and RTF modes described in the Office Action appear to have no relation to a command-end signal, or where a command-end signal might be generated and/or transmitted, the Office Action’s analysis appears to be completely unrelated to the claim limitation about generating and transmitting a command-end signal within the circuit of a communication partner appliance. Therefore, Applicant respectfully submits that the Office Action fails to establish a *prima facie* case of obviousness for the rejection of claim 1 because the Office Action’s analysis fails to address at least one limitation of claim 1. Additionally, or in the alternative, the rejection is nevertheless improper because MacLellan does not teach generating and transmitting a command-end signal within the circuit of a communication partner appliance.

For the reasons presented above, the combination of Wood and MacLellan does not teach all of the limitations of the claim because MacLellan does not teach transmitting a carrier signal NPS from the tags to the interrogator. Additionally, MacLellan does not teach transmitting a carrier signal NPS from the tags to the interrogator as a consequence of a missing signal from the interrogator. Additionally, the analysis in the Office Action is inconsistent with the actual teachings of MacLellan because MacLellan does not describe a TTF mode. Additionally, the Office Action fails

to establish a *prima facie* rejection of the claim because the Office Action’s analysis does not address the limitation related to generating and transmitting a command-end signal within the circuit of a communication partner appliance. Additionally, MacLellan does not teach generating and transmitting a command-end signal within the circuit of a communication partner appliance. Accordingly, Applicant respectfully asserts claim 1 is patentable over the combination of Wood and MacLellan at least because the combination of Wood and MacLellan does not teach all of the limitations of the claim.

Independent Claim 5

Applicant respectfully asserts independent claim 5 is patentable over the combination of Wood and MacLellan at least for one or more reasons similar to those stated above in regard to the rejection of independent claim 1. Claim 5 recites “first control elements for generating and transmitting, within the circuit of the communication partner appliance, a command-end signal that represents the end of the generated command signal” (emphasis added).

Here, although the language of claim 5 differs from the language of claim 1, and the scope of claim 5 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 5. Accordingly, Applicant respectfully asserts claim 5 is patentable over the combination of Wood and MacLellan at least because the Office Action does not establish a *prima facie* rejection based on a failure to address this limitation within the context of MacLellan. Additionally, MacLellan does not teach generating and transmitting a command-end signal within the circuit of a communication partner appliance, as recited in the claim.

Independent Claim 11

Applicant respectfully asserts independent claim 11 is patentable over the combination of Wood and MacLellan at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 11 recites “wherein in the communication partner appliance detection of the presence of the received carrier signal takes place, and in the event of the carrier signal being present, a carrier signal

present signal is transmitted, and otherwise a carrier signal not-present signal is transmitted as a consequence of a missing carrier signal” (emphasis added). Claim 11 also recites “wherein recognition of a command signal that can be transmitted with the aid of the carrier signal takes place, and generation and transmission of a command-end signal that represents the end of the transmitted command signal takes place within the circuit of the communication partner appliance” (emphasis added).

Here, although the language of claim 11 differs from the language of claim 1, and the scope of claim 11 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 11. Accordingly, Applicant respectfully asserts claim 11 is patentable over the combination of Wood and MacLellan because MacLellan does not teach transmitting a carrier signal NPS from the tags to the interrogator. Additionally, MacLellan does not teach transmitting a carrier signal NPS from the tags to the interrogator as a consequence of a missing signal from the interrogator. Additionally, the analysis in the Office Action is inconsistent with the actual teachings of MacLellan because MacLellan does not describe a TTF mode. Additionally, the Office Action fails to establish a *prima facie* rejection of the claim because the Office Action’s analysis does not address the limitation related to generating and transmitting a command-end signal within the circuit of a communication partner appliance. Additionally, MacLellan does not teach generating and transmitting a command-end signal within the circuit of a communication partner appliance.

Dependent Claims

Claims 2-4 and 6-10 depend from and incorporate all of the limitations of the corresponding independent claims 1 and 5. Applicant respectfully asserts claims 2-4 and 6-10 are allowable based on allowable base claims. Additionally, each of claims 2-4 and 6-10 may be allowable for further reasons.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

/mark a. wilson/

Date: September 2, 2008

Mark A. Wilson
Reg. No. 43,994

Wilson & Ham
PMB: 348
2530 Berryessa Road
San Jose, CA 95132
Phone: (925) 249-1300
Fax: (925) 249-0111